

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42475 of 2015

Arising Out of PS.Case No. -88 Year- 2015 Thana -AKBARPUR District- NAWADA

- =====
1. Chandan Yadav Son of Gajo Yadav,
 2. Sakindra Yadav @ Bhagat Yadav, Son of Gajo Yadav,
- Both are resident of village- Alakhdiha, P.S.- Akbarpur, District- Nawada

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

At the outset, it is pointed out that during the pendency
of the application, Chandan Yadav (petitioner no.1) has already
been arrested.

In that view of the matter, the application on behalf of
Chandan Yadav (petitioner no.1) is dismissed as infructuous.

So far as petitioner no. 2 Sakindra Yadav @ Bhagat
Yadav is concerned, taking into consideration the allegation made
under Section 3(1)(x) of the Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act, the present application
under Section 438 of the Code of Criminal Procedure would not

be maintainable in view of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Accordingly, the application is dismissed as not maintainable.

(Ashwani Kumar Singh, J.)

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